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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,474	09/19/2003	David Lee Steinlage	16630-US	8871

7590 09/09/2005

Patent Department
DEERE & COMPANY
One John Deere Place
Moline, IL 61265-8098

EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,474

Applicant(s)

STEINLAGE ET AL.

Examiner

Victor Batson

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (6,443,237).

Myers et al. discloses a deep tillage point structure adapted for connection to an upright shank 12 for forward movement through compacted soil. The structure comprises a main body 20, having a fore-and-aft extending leading nose 26, with a front surface that extends upwardly and rearwardly from a nose leading edge 28. A tapered top surface 50 extends rearwardly and upwardly from the front surface (fig. 3) and includes outwardly facing surfaces forming an apex 62. The surfaces cause a parting stress of the soil (col 2, lines 54-65).

Regarding claims 3,7,9,10,14,16-22, a shin member 14 having a sharp edge extends vertically from an aft portion of the nose. The tillage point is constructed of austempered ductile iron (col 3, line 15). The point further comprises wings 36 having a lift angle of 15 degrees (col 4, line 19) and slope downwardly at an angle of less than 15 degrees (col 4, lines 14-15). The wings having leading edges angled rearwardly at an acute angle (col 4, lines 21-22). The leading edges of the wings enter the soil at a level just above the level of entry of the leading edge 28 (fig. 1). The aft edges of the wings terminate

Art Unit: 3671

forward of an aft edge of the shank, and the main body has a bifurcated attaching area (76, 80) adapted to receive a lower mounting end of the shank.

Myers et al., lacks specifically describing the particular claimed angles or the particular claimed dimensions however, providing a tillage point with these angles and dimensions would have been obvious to one having ordinary skill in the art at the time the invention was made since it has been held that where the general conditions of a claim are disclosed (such as the structure here), discovering the optimum or workable ranges involves only routine skill in the art (see MPEP 2144.05).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Regarding applicants arguments that the leading edges of the wings are located substantially entirely behind the rear portion of the apex, it is the examiner's position that applicant's arguments are more limiting than the claims themselves and that the leading edges of the wings of Myers et al., meet the broad limitation of being located adjacent the aft portion of the apex since applicant has not claimed specific structure that would preclude such an interpretation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

Art Unit: 3671

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 1, 2005



Victor Batson
Primary Examiner
Art Unit 3671